

## **English Language Learners AND Special Education**

### **“Before Assessing a Child for Special Education, First Assess the Instructional Program”**

A Summary of English Language Learners with Special Education Needs

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#### **BACKGROUND OVERVIEW**

The terminology “English language learner” (ELL) is used to avoid the negative connotation of “limited English proficient” (LEP). However, LEP is still used by the government and in law.

The dropout rates for English language learners are 15-20% higher than the overall rate for non-English language learners. This lack of academic success is also the cause for referrals of English language learners to special education.

Research shows that ELLs are typically either over-represented or under-represented in district special education programs across the U.S.. The ELL population percentages are disproportionate when compared to their English speaking peer populations' percentages.

Research demonstrates that English language learners with the least amount of language support are most likely to be referred to special education. ELLs receiving all of their instruction in English were almost three times as likely to be in special education as those receiving some native language support.

#### **AGAINST THE ARGUMENT**

“If ELLs are failing in general ed., there is no harm in placing them in special ed. where they will receive individualized instruction”

Research shows that ELLs in special education with learning disabilities demonstrate lower verbal and full-scale IQ scores after placement in special education than at their initial evaluations.

This means that even in special education, ELLs (in general) do not receive the type of instruction they need (due to the lack of ESL instructional methodology and other professional development for special education professionals).

### **3 Categories of ELLs who will Experience Academic Difficulty**

1. Those with deficiencies in their learning-teaching environment  
Lack of effective ESL support
2. Those experiencing academic difficulties not related to a learning disability  
Interrupted schooling, limited formal education, medical problems, low attendance, high transiency, etc.
3. True ELLs in need of Special Education

### **LEGAL CONTEXT (Specific to ELLs AND Special Education)**

#### **Civil Rights Act (1964)**

1970 – It is a violation to exclude children from effective participation in school because they can't understand English.

Requirements:

- school districts take steps to rectify the child's language "deficiencies"
- avoid labeling students as mentally retarded based on criteria that reflected their English language proficiency
- ensure tracking systems/groupings are not "dead ends"
- notify minority parents of school activities

#### **Diana vs. State Board of Education (1970)**

One can not identify a child as mentally retarded based on IQ tests administered in English. The child must be assessed in their first language and in English OR use nonverbal IQ tests.

#### **Larry P. vs. Riles**

One can not use IQ tests that do not take into account the cultural backgrounds and experiences of children. Thus, tests must be validated for use with the specific populations

#### **Individuals with Disabilities Education Act (1975)**

1997 amendments – ELLs are not eligible for services if their learning problems are primarily the result of environmental, cultural, or economic disadvantage.

- Evaluation and placement procedures must be conducted in the child's native language, unless it is CLEARLY not feasible to do so.  
(example – a child who has been in the American school system for 12 years)
- Assessment results must be considered by individuals knowledgeable about the child, assessment, and placement alternatives.
- Parents must understand the proceedings of IEP meetings  
They must know they have the right to an interpreter at the cost of the district
- The multidisciplinary team must consider the LANGUAGE NEEDS (not content-based) of ELLs when developing, reviewing or revising IEPs

## **PROGRAM MODEL- PHASES TOWARD SPECIAL EDUCATION REFERRAL**

With appropriate instruction and/or intervention, students without disabilities will demonstrate increased English language proficiency. Students with disabilities will struggle despite the interventions.

1. PHASE 1 – The School Environment
  - a. Instructional strategies appropriate for ELLs
    - i. Thematic instruction
    - ii. Collaborative learning
    - iii. Advance organizers
    - iv. Spiral curriculum
    - v. Reading instruction: phonics, comprehension, word recognition
    - vi. Writing instruction: communicative and mechanical
2. PHASE 2 - Early Intervention
  - a. ELLs be assessed in L1 (native language) and English to determine language dominance and proficiency
  - b. Observe ELL's behavior and functioning in multiple contexts (longitudinally)
  - c. Clinical Teaching Cycle
    - i. Teach skills/content
    - ii. Re-teach skills/content through different modalities to those experiencing difficulties
    - iii. For those who continue to struggle, pinpoint the difficulty with informal assessments
    - iv. Modify instruction based on assessment outcomes
      1. Note; a student's score on an assessment may be low because the language used in the test is beyond the student's English proficiency level.
    - v. Monitor student progress
  - d. Team Approach
    - i. Select a team of involved and informed individuals with specialties in special education, general education, ESL strategies, and understanding of the child's cultural norms to observe and review the teacher's observations
    - ii. Make outside observations and compare them with teacher observations
    - iii. Consider
      1. Have other adults working with the child in the school noticed similar difficulties?
      2. Does the problem exist across the contexts
        - a. General education classes
        - b. During tutoring
        - c. At home

3. Are the problem's evident in L1?
4. Is the student's progress in acquiring English significantly different from that of peers who started at about the same level of English proficiency and have had comparable instruction?
5. Are the differences cross-cultural?
6. Are there other variables that could explain the difficulties or contribute to them?
7. Is there extreme test anxiety evidence?
8. Can problematic behaviors be caused or explained by procedural mistakes in the assessment process?
9. Can problematic behaviors be explained by bias during assessments?
10. Do data show that the student did not respond well to interventions?
11. Are the assessment results consistent with the concerns of the teachers and/ or parents?
- iv. Create an Intervention plan
- v. Follow-up with an evaluation
- e. Supplementary instructional services
  - i. Tutoring w/ ISD tutor
  - ii. Remedial programs within the district
3. PHASE 3 - Special Education Referral

### **LANGUAGE MAINTENANCE, DEVELOPMENT AND SUPPORT**

Unless children with disabilities develop native language competence, they will most likely have problems learning a second language and will experience difficulty with cognitive development as well.

1. ELLS learn best when learning activities that build on their home language and culture.
2. ELL learning occurs best in an education context
  - a. Rich in language input
  - b. With multiple forms of literacy
  - c. With various types of organizational structures
    - i. Cooperative
    - ii. Dyad
    - iii. Individual
  - d. With multiple forms of instructional strategies
    - i. Interactive
    - ii. Socratic
    - iii. Lecture

### **ASSESSMENT – CURRENT DIFFICULTIES & CONSIDERATIONS**

1. Evidence strongly suggests that testing and assessment practices currently used in special education do not benefit ELLs
2. Research show the disruptive impact of bilingualism on psychometric test properties
  - a. Compromises validity
  - b. Diminishes reliability
3. Norm-referenced tests are inappropriate for ELLs
  - a. They do not provide complete profiles of the student's language skills because they do not assess language in a natural communication situation
    - i. Tend to focus on the sound system and grammar
    - ii. Ignore conversational abilities and academic language (abilities to predict, evaluate, infer)
4. Verbal IQ test become measures of the student's language proficiency
  - a. Use non-verbal measurements
5. Interpreters adversely affect validity and reliability

#### **Considerations for Pre-Assessment**

1. Use an observational model
2. Create optimal learning environments
3. Document students' academic difficulties - NOT test scores
  - a. Processing information in the L2 (second language) is a slower, more fragile process

### **REQUISITES FOR APPROPRIATE REFERRAL AND PLACEMENT**

1. Use bilingual resources to identify ELLs that need special education.
2. Provide evaluations in both L1 and English that are nondiscriminatory.
3. Provide bilingual alternatives at each stage of the special education placement process.
4. Make the parents aware of their rights and the process
  - a. develop a native language version of the parents' rights
5. Hire individuals to facilitate the involvement of parents in the assessment process and in the development of the child's IEP.

### **CONDITIONS FOR ASSESSMENT**

The decision to conduct a full and individual initial evaluation to determine whether the student qualifies for special education is made only after the following conditions have been met:

1. The teacher uses instructional strategies known to be effective for ELLs
2. Neither clinical teaching nor interventions designed by support teams have resolved learning difficulties
3. All general education alternatives have proven unsuccessful

## **FRAMEWORK FOR ASSESSMENT**

1. Conduct assessments in L1 and in English, using ESL approaches
  - a. English language proficiency assessment (LAS)
    - i. Given within at least the last 6 months
  - b. LAS translated into L1 – unless English dominant
    - i. Describe what the student knows (interpersonal and academic language) cumulatively
      1. Nonstandard administration may NOT be the sole basis for determining special education eligibility – only for diagnostic purposes to pinpoint problem areas, strengths, and weaknesses
  - c. Vocabulary for grade level
    - i. (due fall 2006) – English language proficiency AND content standards leveled language
  - d. Standardized assessments non-specific to language learners
    - i. Example- achievement tests
  - e. Spontaneous conversation samples to see how well a student understands and speaks the two languages with different people and in different settings and contexts
  - f. Cloze-tests to assess the student's background knowledge and knowledge of vocabulary and grammatical structures
2. Involve parents and family in referral and assessment processes
  - a. Interview to gain an understanding of
    - i. language use and development
    - ii. language preference
    - iii. the level of proficiency in L1
    - iv. the student's sociological background
      1. child-rearing practices
      2. family structure
      3. levels of acculturation
      4. beliefs about intelligence, disability and education
      5. the family's communication styles
      6. literacy practices
    - v. developmental and medical history
    - vi. social and emotional functioning
3. Interpret assessment outcomes given the child's total history – academic, social, medical, AND socio-cultural implications
4. Apply special education eligibility criteria to native language and English language performance on assessment measures

**BEYOND ASSESSMENT**

The assessments must demonstrate that the disability is evident in the dominant language  
OR rule out limited English proficiency as the cause of the learning difficulties.

Descriptive data, not test scores, should decide if the student qualifies for special  
education

Standardized test results must be cross-validated with performance-based measures.

If both performances are low and parents are also concerned about their child's  
communication skills, then the student most likely has a disability.

**In the IEP**

1. Instruction needs to address both their linguistic and cultural characteristics and  
their disabilities
  - a. May include
    - i. Sheltered academic instruction
    - ii. Mediating scaffolds – peer support
    - iii. Task scaffolds – reduce the information students must generate  
independently
    - iv. Material scaffolds – learning prompts
    - v. Comprehensible input – language appropriate to the student's  
English language proficiency

## **PARENTS' RIGHTS**

IDEA – 1997 & 1999 : In a manner and language comprehensible by the parent:

1. School districts must notify parents of meeting related to their child's assessment for and placement in special education, and of their right to participate in these meetings
2. Schools must notify parents in writing of any intent to initiate or change the identification, assessment or placement of their child
3. Schools must provide parents a copy of the procedural safeguards, which include provisions relate to evaluation, eligibility and placement
4. Parents must provide informed consent for the referral, evaluation, and placement of their child in special education
5. Parents have the right to review all records related to the evaluation, eligibility and placement
6. The assessment process should include evaluations and information provided by the parents
7. Evaluation data reviewed by school district personnel must include any evaluations and information provided by the parents
8. If parents disagree with the evaluation conducted by the district, they have the right to request an independent evaluation at no cost to them
9. Decisions about eligibility and placement must be made with parental input. This means that parents must participate in any group that makes decisions about educational placements and that school districts are responsible for ensuring that parents understand and are able to participate in such meeting. For parents whose native language is other than English, INTERPRETERS MUST BE PROVIDED.
10. A copy of the evaluation report and documentation determining disability must be provided to the parents.



## **PARENTS & CULTURE**

Students and families from culturally diverse groups may hold different beliefs about the role of parents in education. Those whose worldviews differ from those of the American mainstream culture are likely to experience cultural discomfort as they attempt to participate in their children's education. Customary definitions of parent may need to be broadened to include extended family to reflect the family's kinship system. For some students, an individual other than the parent (who has primary child rearing responsibilities) may be able to provide more detailed information about the child than the parent.

First Note: Roles for decision making may be defined by cultural norms based on gender, age, or kinship. Thus, the individual attending the meeting may be reluctant to make any decisions without first consulting other family members.

Second Note: The expectation that parents have the right to disagree with school personnel may conflict with the belief that group harmony takes precedence over individualized rights. This may lead some parents to be silent during meetings or even give consent despite their concerns.

Third Note: School personnel need to understand that in some instances what appears to be an agreement may not be an agreement at all. In some cultures, nodding one's head only means that one has understood – not that he or she approves or gives consent.

Fourth Note: School personnel must understand that cultural variances exist in what information families believe is important and how much can be shared with the school without loss of honor.

Fifth Note: Culturally based views include content about health, illness, disability, what is public and private, assumptions about power and authority, saving face, and more.

Sixth Note: If parents' views of normality and disability are different than those embedded in the law, they may have difficulty understanding the rationale for placement in special education.

To alleviate this issue, school personnel need to demonstrate the educational benefits of the services and the link between the proposed services and educational goals that are important to the family.

Seventh Note: When families find dissent uncomfortable, the failure to understand and accept the cultural bases for their interactions may lead to a misinterpretation of the family's response as denial, lack of cooperation or lack of assertiveness.